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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,104	04/14/2004	Heng-Chien CHEN	TRAP0012USA	3103
27765	7590	09/26/2006	EXAMINER	
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			DENG, ANNA CHEN	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/709,104

Applicant(s)

CHEN, HENG-CHIEN

Examiner

Anna Deng

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1 – 20 are pending and have been examined.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 2, and 6 – 13 are rejected under 35 U.S.C. 102 (e) as being anticipated by Hisatake US 7,082,603 B2 (hereinafter Hisatake).

**Per Claim 1:**

Hisatake discloses:

- A method for updating software in a plurality of clients connected to a host through a network (col. 2, lines 60 – 65), the method comprising:
- connecting an updating device (File Server 14) to the host (network Device 12), the updating device storing updated software to be used for updating software stored in the clients (Peripheral Device 10) (FIG. 1, col. 1, lines 47 – 62);
- initiating communication between the updating device and the host (FIG. 2, col. 1, lines 63 – 65);
- transmitting the updated software from the updating device to the host (FIGS. 2 – 3, col. 1, lines 63 – 67, col. 2, lines 1 – 20) ; and

- the host uploading the updated software to each of the clients for replacing previous versions of software stored in the clients with the updated software (FIG. 3, col. 2, lines 21 – 32).

**Per Claim 2:**

Hisatake discloses:

- initiating communication between the updating device and the host comprises the updating device requesting to send updated software to the host and the host granting the updating device's request to send the updated software (col. 1, lines 28 – 34).

**Per Claim 6:**

Hisatake discloses:

- the host informing the updating device about progress made with the uploading process while the host is uploading the updated software to the clients (FIG. 3, step 52, col. 2, lines 26 – 30).

**Per Claim 7:**

Hisatake discloses:

- the host notifying the updating device that the update is complete after the host has finished uploading the updated software to each of the clients (FIG. 3, step 54, col. 2, lines 27 – 32).

**Per Claim 8:**

Hisatake discloses:

- the host uploading the updated software to each of the clients comprises:
- the host transmitting the updated software to each client (FIG.3, steps 40 – 44, col. 2, lines 9 – 20);

- the client checking that the updated software was successfully received and reporting the result to the host (FIG. 3, steps 46 – 48, col. 2, lines 21 – 24);
- the host commanding the client to replace the previous version of software stored in the client with the updated software if the client has successfully received the updated software (FIG. 3, step 50, col 2, lines 24 – 27); and
- the host commanding the client to reboot and reconnect to the host (col.1, lines 10 – 16).

**Per Claim 9:**

Hisatake discloses:

- if the client has not successfully received the updated software, the host resends the updated software to the client (FIG. 5, col. 2, lines 50 – 59).

**Per Claim 10:**

Hisatake discloses:

- when the updating device transmits the updated software to the host, the host stores the updated software in a buffer before uploading the updated software to the clients (FIG. 2, steps 34 – 36, col. 2, lines 3 – 8).

**Per Claim 11:**

Hisatake discloses:

- the clients are remotely connected to the host through the Internet (col. 2, lines 60 – 67, col. 3, lines 1 – 2).

**Per Claim 12:**

Hisatake discloses:

- the clients are locally connected to the host through a local network (col. 2, lines 60 – 67, col. 3, lines 1 – 2).

**Per Claim 13:**

Hisatake discloses:

- wherein the updating device is a computer (col. 3, lines 15 – 27).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 – 5 and 14 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hisatake US 7,082,603 B2 (hereinafter Hisatake), in view of Boys US 2002/0095474 A1 (hereinafter Boys).

**Per Claim 3:**

Hisatake teaches transmitting the updated software from the updating device to the host (Hisatake, FIGS. 2 – 3, col. 1, lines 63 – 67, col. 2, lines 1 – 20); Hisatake does not explicitly teach the host determines an order in which to upload the updated software to the clients. However, Boys teaches the host determines an order in which to upload the updated software to the clients (Boys, FIG. 2, 45a, paragraphs 0044 – 0046).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Hisatake to include “the host determines an order in which to upload the updated software to the clients” using the teaching of Boys. The modification would be obvious because one of ordinary skill in the art would be motivated to enable priority-based

number switching from a lower priority access number to a higher priority access number during a data session through monitoring current connection states of a user node connected to the network (Boys, paragraph 0010, lines 3 – 6).

**Per Claim 4:**

The rejection of claim 3 is incorporated, and Boys further teaches the host calculates the connection speed between the host and each of the clients, and sorts the clients in order of decreasing connection speed for determining the order in which to upload the updated software to the clients (paragraphs 0054, 0058, 0063).

**Per Claim 5:**

The rejection of claim 3 is incorporated, and Boys further teaches before uploading the updated software to the clients, the host informs the updating device of the order in which the host will upload the software to the clients (Boys, paragraphs 0063).

**Per Claim 14:**

This is another version of the claimed methods discussed above (claims 1 – 2, 4 – 5, and 8), wherein all claim limitations also have been addressed and/or covered in cited areas as set for the above. Thus, accordingly, this claim is also obvious.

**Per Claims 15 – 20:**

These are another version of the claimed methods discussed above (claims 6 – 7, and 9 – 13), wherein all claim limitations also have been addressed and/or covered in cited areas as set for the above. Thus, accordingly, these claims are also obvious.

***Conclusion***

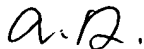
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Monday to Friday 9:30 AM - 5:30 PM.

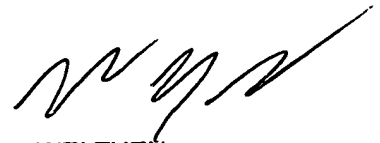
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at 571 -272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Deng



September 7, 2006



WEI ZHEN  
SUPERVISORY PATENT EXAMINER